

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MARJORIE FERRELL, <i>et al.</i> ,)	
)	
Plaintiffs,)	No. C-1-01-447
)	
v.)	Judge Sandra S. Beckwith
)	
WYETH-AYERST LABORATORIES,)	Magistrate Judge Timothy S. Hogan
INC., <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR LEAVE TO ADD
ADDITIONAL SUBCLASS 1 REPRESENTATIVE**

Plaintiffs, by their attorneys, respectfully request leave to add another representative for Subclass 1. As grounds for the foregoing, Plaintiffs state as follows:

1. On February 2, 2005, this Court entered an order creating six subclasses and giving Plaintiffs until March 4, 2005 to submit representatives for the subclasses this Court created. *See* Doc. No. 118.
2. On March 4, 2005, Plaintiffs filed a Notice setting forth the subclass representatives for each of the subclasses designated by this Court except for Subclass 6, individual consumers in the state of Nevada. On March 8, 2005, this Court denied Plaintiffs' motion for extension of time to locate a representative for that subclass. *See* Doc. No. 121.
3. Plaintiffs respectfully request leave to add Dorothy Berg, a resident of the State of Minnesota, as an additional representative for Subclass 1 (*i.e.*, individual consumers in the states of Arizona, Iowa, Kansas, Maine, Michigan, Minnesota, Mississippi, New Mexico, North Carolina, North Dakota, South Dakota, Tennessee, West Virginia and Wisconsin). The sole

reason for Plaintiffs' delay in adding Ms. Berg was the additional time required to execute a retainer agreement.

4. Since Plaintiffs have already submitted notice of two subclass representatives for Subclass 1 – and since Defendants have not yet commenced discovery related to those additional representatives -- Defendants will not be prejudiced by the addition of another Subclass 1 representative.

5. Moreover, especially because of the lack of prejudice to Defendants, it is in the interests of justice to allow a class member interested in proceeding to join this action as a class representative.

WHEREFORE Plaintiffs respectfully request leave to add Dorothy Berg as an additional representative for Subclass 1, and all other relief that this Court deems just and proper. A supplemental notice is attached as Exhibit A.

Dated: March 11, 2005

Respectfully submitted,

/s/ Joseph E. Conley, Jr.
One of Plaintiffs' attorneys

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing pleading was served by First-Class U. S. Mail, postage prepaid, this 11th day of March, 2005 on the following:

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